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June 13, 2024

**VIA ECF**

Honorable Julien X. Neals, U.S.D.J.  
U.S. District Court for the District of New Jersey  
Martin Luther King Jr. Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

**Re: *United States of America, et al. v. Apple Inc.*, No. 2:24-cv-04055 (JXN-LDW)**

Dear Judge Neals:

I write on behalf of Apple in response to the Government's June 11, 2024 letter, ECF No. 52, regarding the First Amended Complaint, ECF No. 51. The Government represents to Apple and the Court that the only changes between the original Complaint and the First Amended Complaint are the addition of (i) Indiana, Massachusetts, Nevada, and Washington as plaintiffs and (ii) a seventh cause of action under Tennessee state law. ECF No. 52. The Government also states that neither change "alter[s] the substance of the allegations." *Id.*

In light of those representations, and after Apple's own independent review of the First Amended Complaint, the filing of the First Amended Complaint does not change Apple's position as outlined in its May 21, 2024 letter. ECF No. 42. The First Amended Complaint, like the original Complaint, fails as a matter of law. Apple therefore intends to move to dismiss the First Amended Complaint under Federal Rule of Civil Procedure 12(b)(6) for the same reasons Apple explained in its May 21, 2024 letter. *Id.* Apple respectfully requests that the Court schedule a pre-motion conference or determine that one is not necessary, as the Court deems appropriate, so that the parties can proceed to briefing Apple's forthcoming motion to dismiss.

Respectfully submitted,

/s/ Liza M. Walsh

Liza M. Walsh

cc: All Counsel of Record (via ECF and E-Mail)